

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CURTIS A. MARTEN,

Plaintiff,

v.

HENRY RICHARDS, *et al.*

Defendants.

CASE NO. C09-5733FDB/JRC

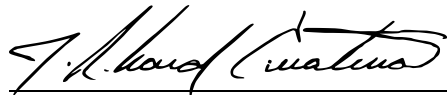
ORDER GRANTING DEFENDANTS'  
MOTION TO STAY DISCOVERY

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. Before the court is defendant's motion asking that discovery be stayed pending disposition of a motion for summary judgment, which raises an affirmative defense of qualified immunity.

Qualified immunity is immunity from suit, not just immunity from liability, Harlow v. Fitzgerald, 457 U.S. 800 (1982). One of the considerations noted by the Supreme Court in discussing qualified immunity is the social cost to government and the public when government resources are expended on discovery prior to the qualified immunity defense being decided. Harlow, 457 U.S. at 818. The motion to stay discovery is **GRANTED**.

1 The Clerk's Office is directed to remove Dkt. # 15 from the Court's calendar and send  
2 plaintiff a copy of this order.

3 DATED this 30<sup>th</sup> day of April, 2010.

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6 J. Richard Creatura  
7 United States Magistrate Judge  
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